

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SHARMIKA CUSIC,)	
)	
Plaintiff,)	
)	15-cv-9075
)	
vs.)	
)	
TARGET CORPORATION, a foreign)	
corporation,)	
)	
Defendant.)	

NOTICE OF REMOVAL

TARGET CORPORATION, a Foreign Corporation, the defendant in the above entitled cause, hereby removes Case No.: 2015 L 009197 from the Circuit Court of Cook County, Illinois, to the United States District Court, Law Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and as grounds for its removal states as follows:

STATEMENT OF THE CASE

1. This action was commenced against Target Corporation, as the sole defendant, in the Circuit Court of Cook County, Illinois, on September 8, 2015. The Complaint was served upon Target Corporation on September 11, 2015.
2. At the time the action was commenced and since then, the plaintiff was and is a citizen of the State of Illinois and the defendant was and is a corporation organized and existing under the laws of the State of Minnesota with its principal place of business in Minneapolis, Minnesota.
3. This is a civil action of which the United States Circuit Courts have original jurisdiction under 28 U.S.C. § 1332.

4. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs, as “determined by an evaluation of the controversy described in the plaintiff’s complaint and the record as a whole, as of the time the case was filed.” *Uhl v. Thoroughbred Tech. & Telecomms.*, 309 F.3d 978, 983 (7th Cir. 2002). “When removing a suit, the defendant... is entitled to present its own estimate of the stakes.” *Back Doctors Ltd v. Metro. Prop. & Cas. Ins. Co.*, 637 F.3d 827, 830 (7th Cir. 2011).

5. Here, according to Plaintiff, medical records and statements made to Defendant’s representatives, the stakes of this controversy allegedly involve an accident that resulted in an acute head injury and cervical spine injury. Furthermore, Plaintiff’s injuries are alleged to have required emergency medical services and numerous medical treatments.

6. The extent of plaintiff’s alleged injuries and her extensive treatment and hospital bills easily establish more than a reasonable probability that the amount in controversy exceeds the jurisdictional amount of the District Court by a preponderance of the evidence. *Back Doctors Ltd*, 637 F.3d at 830.

7. Even more, Plaintiff’s Complaint at Law, details, “injuries of a personal and pecuniary nature” and claim a sum in “excess of the jurisdictional minimum for the County Department, Law Division of the Circuit Court of Cook County, plus costs of this action.” (Pl’s. Compl. attached hereto as **Ex. A**); *Oshana v. Coca-Cola Co.*, 472 F.3d 506, 511 (7th Cir. 2006) (only a legal certainty that the amount in controversy is less than \$75,000 will defeat defendant’s plausible good-faith estimates of the value of plaintiff’s claims); *Parmeley v. Fleetwood Homes, Inc.*, 2012 U.S. Dist. LEXIS 74172, *11-12 (S.D. Ill. 2012) (denying plaintiff’s motion to remand where plaintiff alleged “damages in the amount in excess of \$50,000.00” and where plaintiff alleged “personal injuries...”); *Cruz v. Darden*

Rests., Inc., 2010 U.S. Dist. LEXIS 18073 *3-8, (S.D. Ill. 2010) (holding removal was proper based on plaintiff's complaint where plaintiff's prayer was for "an amount in excess of fifty thousand dollars.").

ALL PROCEDURAL REQUIRMENTS FOR REMOVAL HAVE BEEN SATISFIED

8. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all of the process, pleadings, orders, and documents from the State Court Action which have been served upon Target Corporation are being filed with this Notice of Removal. (**Ex. A**, Pl.'s Compl.).

9. This Notice of Removal has been filed within 30-days of the date that Target Corporation was served with the summons in this matter. Removal is therefore timely in accordance with 28 U.S.C. § 1446(b).

10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the United States District Court for the Northern District of Illinois, Eastern Division, is the federal judicial district embracing the Circuit Court of Cook County, Illinois, where the State Court Action was originally filed.

CONCLUSION

By this Notice of Removal, Target Corporation does not waive any objections it may have as to service, jurisdiction or venue, or any other defense or objection it may have to this action. Target Corporation intends no admission of fact, law, or liability by this Notice, and expressly reserves all defenses and motions.

RESPECTFULLY SUBMITTED,

TARGET CORPORATION

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